

NON-USE (AREA) VARIANCE REQUIREMENTS

I. APPLICATION REQUIREMENTS

- APPLICATION FEE-PROVIDED SEPARATELY
- PLANNING APPLICATION-ATTACHED
- VARIANCE STATEMENT
 - Please explain the requested variance

Property owners wish to construct a three-car detached garage/carriage house on the 1.439 acre parcel 273-000428-00 which includes the house, plus two historical accessory structures (a smoke house and spring house). The applicants request a variance which will allow more than two accessory structures.

- Please identify the development text requirement or Code Section from which the proposal is varying

Chapter 153.074 (B) (2):

<i>PROPERTY SIZE</i>	<i>REQUIREMENTS (CUMULATIVE)</i>
Less than 1 acre	840 sq. ft., OR 30% of the livable area of the principal building excluding attached garages, whichever is greater. In no case shall the height of the detached accessory structure exceed 18 feet.
	Not more than two detached accessory structures shall be permitted.
1 - 5 acres	1,000 sq. ft., PLUS 250 sq. ft. per acre or fraction thereof over one acre, up to a maximum of 2,000 sq. ft.
	In no case shall the height of the detached accessory structure exceed 22 feet.
	Two detached accessory structures PLUS one additional detached accessory structure per acre greater than one acre shall be permitted. Not more than five detached accessory structures shall be permitted.



- Please explain how the requested variance relates to the development standards of the property

The property was a working farm until roughly 1980. Zoning code that applied to this “farmstead” property during its creation and subsequent evolution over time was very liberal. Another accessory structure (the three-car detached garage/carriage house) fits with the standards by which this property has changed over the years.

- If the applicant has been denied a Certificate of Zoning Compliance for the property in question, explain why the request was denied

Not applicable.

- Please provide any other information that would be helpful to the Board of Zoning Appeals in making their decision

The section of zoning code which limits the number of accessory structures makes good sense in the majority of situations within the City. The intent is to reduce clutter on smaller parcels, which, in practice, are very often within a neighborhood or subdivision. These parcels are often less than one-half acre in size and are typically adjoined by neighbors on two to three sides.

In this particular case, this property-the brick farmhouse, the brick smoke house, the wood-framed springhouse, as well as the structures on the adjoining parcel-all came along well before the denser neighborhoods were dreamt of. Zoning at the time-the year 1870, or thereabouts, was very loose in general. Add to this that this property was a working farm, and you apply farm zoning, which, to this day, remains among the most liberal of zoning regulation.

It should be mentioned that no other property DIRECTLY adjoins this property; this property is bordered by Brand Rd, Coffman Rd, and Indian Run. These boundaries act as man-made buffers, or in the case of Indian Run, natural ones.

In most cases the solution to this problem would be solved by either demolishing one accessory structure to make room for the garage, or attaching the garage to the house to circumvent the limit on "detached accessory structures". Given the historical significance of the accessory structures, demolishing them is not an option. And attaching a garage or carriage house isn't feasible either. First, because anchoring the garage or a breezeway to the existing brick structure would cause irreparable harm to the integrity of the exterior brick and mortar, and second, because, as mentioned above, and below, a home of this era would not have had an attached garage or carriage house.

In summary, it is clear that, in this case, special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. These special conditions or circumstances include the extraordinary situation involving the historic buildings and structures on this land.

A literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of Chapter 152.231 (H) and Chapter 153.074(B)(2) of the Code.

The variance request is not one where the specific conditions pertaining to the property are so general recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

The variance would not adversely affect the delivery of governmental services (e.g. water, sewer, garbage).

The practical difficulty could not be eliminated by some other method, even if the solution is less convenient or most costly to achieve. The Architectural Review Board would, for good reason, not likely approve either of the two other methods due to the historic nature of the property.

LEGAL DESCRIPTION AND/OR PROPERTY SURVEY FOR EACH PARCEL

- Delaware & Amlin Rd, Entry 2543

LIST OF PROPERTY OWNERS AND HOA's within 150 feet

- 270-00257-00
Gretchen Distelhorst
5300 Brand Rd.
- 273-001799-00
Dublin Baptist Church
7195 Coffman Rd.
- 273-012728-00
City of Dublin
5200 Brand Rd.
- 270-000028-00
Matt Young
5201 Brand Rd.
- 273-003672-00
Brandway LTD.
5395 Brandshire Lane
(Bellwether RE Capital, LLC)
IMG Center
1360 E. 9th St., Ste 300
Cleveland, OH 44114-1730

II. PLANS & STATEMENT

SCALED SITE PLANS

Attached

DENIED CERTIFICATE OF ZONING COMPLIANCE

Not applicable

□ **ADDRESS THE FOLLOWING REVIEW CRITERIA**

- Please explain the existing special circumstances or conditions that are peculiar to this land or structure that are NOT applicable to other properties in the same zoning district

The property is historical in nature. The 1870's brick farmhouse is on the Registry of Historic Places. All of the buildings on the property are "original" to the farmstead. On the parcel in question (the property consists of two parcels-the brick farmhouse, smoke house and spring house sit on 1.439 acres, while the chicken coop, grainery, cattle barn and manger sit on the adjoining 2.573 acres), the owners wish to construct a detached three-car garage/carriage house.

The current owners have lovingly and painstakingly restored the home and other structures, and have avoided making irreparable change to them, change that would be difficult to undo. They wish to have the property endure another century or more, possibly being retired as a museum or historic destination long after they are gone. So, while others may choose to attach a garage to their home, attaching a garage to the currently unmolested home is not a desirable solution for two reasons. First, a home of this era would not have had an attached carriage house or garage. Second, doing so would involve changes, whether subtle or drastic, to the exterior of the historic home.

Unlike most of the housing stock in Dublin, which was built AFTER changes to zoning code, the home and other structures on this property were constructed when there was little, if any, zoning requirements. After all, farm zoning is typically quite loose.

These conditions are special, and unique to this property, and apply to a shrinking number of properties within Dublin.

- Please explain how the special conditions are not a result of the applicant's actions or inactions

The unique characteristics of this farmstead have accrued over the last 150 years. The fact that there are already two historic detached structures is no fault of the current owners, and the idea of either demolishing one of these to make way for a garage, or attaching the garage to the historic home would undoubtedly be met with resistance by the Architectural Review Board, and for good reason.

- If the proposed variance were granted, explain how the variance will not cause a substantial adverse effect to the property or improvements in the vicinity or

materially impair the intent and purposes of the requirements in the Dublin Zoning Code

This question, like the questions that follow, are all concerned with protecting the Dublin Zoning Code, avoiding the possibility that a variance in this case could be followed with similar requests from other property owners, and that an exception could become the rule and set an unfavorable precedent. Due to the unique characteristics of this property, it is hard to imagine how this case could be impair the intent and purpose of the Dublin Zoning Code.

As far as having an adverse effect to the property, it is just this that the homeowners wish to avoid. Demolishing one of the two historic accessory structures or attaching a garage to a perfectly intact 1870's brick farmhouse would, without question, cause an irreparable, substantial adverse effect on the property.

- If the proposed variance were granted, explain whether there would be any special privileges conferred on the property owner that are denied by the Zoning Code to the other properties in the same zoning district

This request for a variance is supported by the questions above, such as unique circumstances arising out of no fault of the applicant. This variance request is made due to very unique circumstances, circumstances that apply to this property, and this property alone. If this proposed variance is granted, it is due to the special circumstances of the property itself, not due to special privileges conferred on the property owner.

- Please explain how the proposed variance is not one where specific conditions of the property are general and recurrent to make the formation of a general regulation for those conditions reasonably practical

As stated above, granting a variance in this case does not create a precedent for others to follow suit, because there are no others that have the same set of unique circumstances.

- Please explain how the variance would NOT adversely affect the delivery of governmental services

A three-car detached garage would in no way affect the delivery of governmental services.

- Please explain how the practical difficulty could be eliminated by some other method, even if the solution is less convenient or more costly to achieve

As stated above, attaching the garage to the existing home is another method. But it is unacceptable, given that it would be both historically inaccurate, and it would cause irreparable harm to the exterior of the property.